

1 SCOTT YUNDT (CSB #242595)  
2 TRI-VALLEY CARES  
3 2582 Old First Street  
Livermore, California 94550  
4 Telephone: (925) 443-7148  
Facsimile: (925) 443-0177  
Email: scott@trivalleycares.org

5  
6 Attorneys for Plaintiff

7 MELINDA HAAG, CSBN 132612  
United States Attorney  
8 JOANN M. SWANSON, CSBN 88143  
Chief, Civil Division  
9 ABRAHAM A. SIMMONS, CSBN 146400  
Assistant United States Attorney  
10 450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102  
11 Telephone: (415) 436-7124  
FAX: (415) 436-7169  
12 Email: abraham.simmons@usdoj.gov

13 Attorneys for Federal Defendants

14  
15 IN THE UNITED STATES DISTRICT COURT  
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA

17 San Francisco Division

18 TRI-VALLEY CARES, ) Case No.: 10-cv-5923 RS  
19 Plaintiffs, )  
20 vs. ) **JOINT STIPULATION AND**  
21 UNITED STATES DEPARTMENT OF ) **[PROPOSED] ORDER TO RESCHEDULE**  
ENERGY and NATIONAL NUCLEAR )  
22 SECURITY ADMINISTRATION, an agency ) **INITIAL CASE MANAGEMENT**  
of the U.S. Department of Energy, ) **CONFERENCE**  
23 Defendants. )

24  
25 Plaintiff Tri-Valley CAREs, Defendant United States Department of Energy, *et. al.*, by and  
26 through their respective counsel, hereby stipulate as follows:

27 WHEREAS, pursuant to the Clerk's Notice filed August 9, 2011, the further Case  
28 Management Conference in the above captioned case was rescheduled to be held on September

1 8, 2011 at 10:00 a.m. in Courtroom 3 on the 17<sup>th</sup> Floor of the United States Courthouse, 450  
2 Golden Gate Avenue, San Francisco; and

3 WHEREAS, the parties agree that Defendants will provide to Plaintiff further responses  
4 to certain FOIA requests on or before August 31, 2011; and

5 WHEREAS, Plaintiff and Defendants desire to reschedule this further Case Management  
6 Conference in the above captioned case to provide the parties with an additional two weeks to  
7 review and discuss the further responses and other outstanding claims before preparing the Joint  
8 Case Management Statement.

9 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by Plaintiffs and  
10 Defendants, through their respective counsel of record, as follows:

11 1. The parties agree and request that the court order that the Case Management Conference  
12 in the instant case, originally **scheduled to be held on Thursday, September 8, 2011 at**  
13 **10:00 a.m.** in Courtroom 3 on the 17<sup>th</sup> Floor of the United States Courthouse, 450 Golden  
14 Gate Avenue, San Francisco, **shall be rescheduled to Thursday, September 22, 2011 at**  
15 **10:00 a.m.** in that same location.

16 2. The parties shall file a Joint Case Management Statement at least one week prior to the  
17 Conference.

18 3. The parties are close to settlement; the parties request a stay of the briefing schedule until the  
19 schedule can be reset at the September 22, 2011 Case Management Conference.

20 4. The foregoing agreement is not intended, and may not be cited by any party, as admission  
21 of any issue of fact or law in this or any other judicial or administrative proceeding.

22 Dated this 19<sup>th</sup> day of August, 2011

23 24 /s/ Scott J. Yundt

25 26 Scott J. Yundt  
27 Attorney for Plaintiff

28 /s/ Abraham Simmons

Abraham Simmons  
Attorney for Defendants

## **DECLARATION OF CONSENT**

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Abraham Simmons.

Dated this 19th day of August, 2011

/s/ Scott J. Yundt  
Scott J. Yundt  
Attorney for Plaintiff

1 **[PROPOSED] ORDER**

2 1. The Case Management Conference in the instant case, originally **scheduled to be held on**  
3 **September 8, 2011 at 10:00 a.m.** in Courtroom 3 on the 17<sup>th</sup> Floor of the United States  
4 Courthouse, 450 Golden Gate Avenue, San Francisco, **shall be rescheduled to September 22,**  
5 **2011 at 10:00 a.m.** in that same location.

6  
7  
8 IT IS SO ORDERED.  
9

10 DATED 8/19/11.

11   
12

13 **HONORABLE RICHARD SEEBOORG**  
14 **United States District Judge**

15 Presented by:  
16

17 /s/Scott Yundt  
18 Scott Yundt (CSB# 242595)  
19 Attorney for Plaintiffs  
20  
21  
22  
23  
24  
25  
26  
27  
28